



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,079	10/25/2000	Jerome Meric	11345.027001	1560

22511 7590 09/27/2004

OSHA & MAY L.L.P.
1221 MCKINNEY STREET
HOUSTON, TX 77010

EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,079

Applicant(s)

MERIC ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 20-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Limitation in claim 1, "...said method comprising passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein" and limitation in claim 11, "...and means for passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein" do not correspond to the scope and disclosure of Applicant's specification (page 15, lines 30-15) and Fig. 6. It is unclear how a memory/buffer is able to perform a function of mixing/combining data, as claimed, beside of storing data. Further clarification from Applicant is required.

Claim Objections

Claims 2-4 and 12-15 are objected to because limitations "data buffer sub-area", "sub-areas" and "other sub-areas" recites in the claims are inconsistent. It seems that these limitations are all referred to the same limitation "data buffer sub-area". Further clarification and appropriate correction from Applicant is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, and 11-19 are rejected under 35 U.S.C. 102(b) as being unpatentable by O'Sullivan (EP 0752695 A2).

Claim 1, O'Sullivan discloses a method of processing video data in a receiver/decoder comprising at least one port for receiving data (page 2, lines 11-13) and memory means comprising a data buffer area (Fig. 2; Video memory 46) for storing incoming data for display (page 6, lines 47-page 7, lines 38), and a graphics buffer area (Fig. 2; Graphic memory 36) for storing graphics data (page 5, lines 28-54), said method comprising passing graphics data stored in the graphics buffer area to the data buffer area for combination with display data stored therein (page 7, lines 47-48).

Claim 2, O'Sullivan further discloses wherein the data buffer area (Video memory 46) comprises two data buffer sub-areas (Banks A-D), said incoming display data being directed into one of said sub-areas at a time (page 6, lines 47-54).

Claim 3, O'Sullivan further discloses wherein the two sub-areas (Banks A-D) are interchanged so that further incoming display data is stored in the other sub-area

(page 6, lines 28-30) and graphics data stored in the graphics buffer area is passed to the other sub-area (page 5, lines 47-54).

Claim 4, O'Sullivan further discloses wherein the two sub-areas (Banks A-D) are interchanged immediately after graphics data stored in graphics buffer area (Graphic memory 36) is passed to one of the data buffer sub-areas (page 7, lines 29-30).

Claim 5, O'Sullivan further discloses wherein graphics buffer area (Graphic memory 36) comprises a plurality of graphics buffer sub-areas in which graphics data is stored (see Fig. 2, elements 58 and 60), graphics data being passed to the data buffer area (Video memory 46) from a selected one of the graphics buffer sub-areas (page 5, lines 47-54).

Claim 6, O'Sullivan further discloses wherein the combined graphics and display data is further combined with other received data (screen layout) to provide video data (page 7, lines 47-58).

Claim 7, O'Sullivan further discloses wherein graphics data stored in the graphics buffer area (Graphic memory 36) is passed into the data buffer area (Video memory 46) for combination with display data stored therein immediately before the thus combined graphics and display data is combined with said other received data (page 6, lines 12-18).

Claim 11, a receiver/decoder of claim 11 is analyzed with respect to method claim 1.

Claim 12, wherein said data buffer area of claim 12 is analyzed with respect to method claim 2.

Claim 13, O'Sullivan further discloses control means (Fig. 2, el. 31), the directing means being arranged to direct incoming display data to one of the data buffer sub-areas as specified by said control means (page 5, lines 8-27).

Claim 14, is analyzed with respect to method claim 3.

Claim 15, is analyzed with respect to method claim 4.

Claim 16, is analyzed with respect to method claim 5.

Claim 17, is analyzed with respect to method claim 6.

Claim 18, is analyzed with respect to method claim 7.

Claim 19, O'sullivan further discloses reception system including a receiver/decoder according to Claim 11 and means for broadcasting (page 2; lines 11-12 and 38-48; video source, i.e., Television broadcaster not shown) said data

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan (EP 0752695 A2) in view of Blonstein et al.(US 5835156).

Claim 8, O'Sullivan further discloses wherein the video data comprises four layers of data such as combined graphic data and video data on a display of Fig. 2; video data; and graphic data said combined graphics and display data comprising one of said layers (page 3, lines 49-page 4, lines 4).

O'Sullivan does not clearly disclose a cursor for the user to select or interact with element displays on the screen.

Blonstein discloses a cursor for the user to select or interact with element displays on the screen (Fig. 5, 7-10 with cursor 804; Col. 9, lines 5-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify O'Sullivan with Blonstein so to provide to facilitate user of selecting any option available on a GUI interface of the display (Col. 2, lines 43-62).

Claim 9, O'Sullivan (page 6, lines 12-18 and page 7, lines 47-48) in view of Blonstein (Fig. 5, 7-10) further discloses wherein the four layers of data comprise said combined graphics and display data layer (both graphic and video pixel data), a stills data layer (graphic pixel data), a moving image data layer (video pixel data), and a cursor data layer (see Blonstein above analysis).

Claim 10, Blonstein further discloses wherein the moving image data layer and the display data comprise at least part of an MPEG data stream (see Fig. 5, el. 316).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
09/13/2004

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

HAITRAN
PATENT EXAMINER